

Rt. 12, Frederick, Md. 21701
12/21/75

Mr. Tom Susman, Counsel
Administrative Practices Subcommittee
New Senate Office Bldg.,
Washington, D.C.

Dear Tom,

This is a brief FOIA update. I'm recovering from an apparently heavy phlebitis, which limits what I can do and requires that I get closer to normal sleep. While I can walk some I can't stand much or let the legs hang pendant. Typing is uncomfortable because I have to straddle the table and keep at least one leg up. I'd like to be more informative, if you want more information. I've driven to Washington only once in two months and it was too much. But I do get there by other means.

C.A. 75-226: we have agreed to give the Government a month more to file their response in return for their agreement not to oppose our motion to speed oral arguments. As I have told you, I believe Pratt and DL again tried to rewrite the law with the same case, for the spectrographic and neutron-activation analyses. One major question is what constitutes compliance. I was not given a single paper for which I asked and sued. This is uncontested and is not addressed in any of the Government's affidavits I proved were otherwise perjurious. Pratt held that giving me some of what they had as a substitute for what I sued for constituted compliance. I proved they had not delivered all they had as a substitute from the materials they did supply. Our appeal quoted the proof, under oath, that what I seek did exist. I go into the perjury in a fourth part added to POST MORTEM, which was printed while I was in the hospital. In announcing the book in a well-attended and well-reported press conference (except for the New York Times, the Washington Post and Star, etc) that received extensive network radio coverage I said it accuses named witnesses of perjury, identified Commission lawyers of suborning it, and challenged any to appear before any constituted Congressional committee with both of us under oath. (So far no takers but it and his own record as and on this to his face in a confrontation plus his reading of POST MORTEM persuaded Belin to change his position.) I spent some time with Tim Ingram, made much available to him and hoped his committee would go this way. I'm willing to run the risks, which are not of fact and law but of power. They apparently were not. If you want more on that hearing I'd prefer that you get it and a reading on it from Jim Lesar. This is the first case filed under the new law. I think DJ is depending on the existing prejudices. This is one of the reasons that for so long I have been risking perjury charges to make and prove them. I hope the CA will regard perjury more seriously than Pratt did. In this case I have neither the capability nor the disposition to seek amicus. Three promised last time and all copped out. Jim and I have not even discussed it. If the Abzug committee had followed my suggestion I think much could have been accomplished. Perhaps the agony ended and the healing begun.

C.A.75-1448: For the missing executive session transcripts. One at least deals with what the Commission suppressed, any mention of the unwanted information supplied by the Soviet defector Igor Nosenko. One under b6 may relate to the suppressed and misrepresented JFK medical evidence. There are 10 other pages of another session. I'm going for all. Nothing new. No hearing set. We have not moved to expedite. Time.

C.A.75-1996: This is for suppressed King assassination FBI materials. They stonewalled for reasons of which I was certain - it destroys the prefabricated case against Ray and establishes a deliberate official frame-up. They may have intended giving me something because it was not many days after I filed that they did deliver about 70 pages and some pictures. They also delivered proof of the withholding and the existence of other evidence for which I asked. Jim is amending it tomorrow to ask for more now.

What I have is enough to start all over with "new evidence" and it is incomplete but under the case alleged totally exculpatory. We may amend before the 6th circuit, where the case now is, if it will permit. Jim is considering this. I've suggested that we have time and I've demanded in writing all the suit calls for. Some time has passed with no response. There is not doubt that they've given me new proof, this time from the FBI's files, of perjury by the medical examiner. I'd worked out an arrangement on this King material with Martin Waldron. He'd no sooner received Times approval than the National people moved in. The latest indication is that they are trying to support the official position. A large staff is working on this. The series is several weeks late as of today. Waldron was taken off the story. He is the one expert on the subject on the Times staff. He also covered both the guilty-plea hearing and the evidentiary hearing where we for all practical purposes demolished the state's case. I have made connections with others on this. They await editorial decisions. But we again have the Department lying, this time over the signature of Tyler.

CIA: After years of letting them drag it out so I might build a better record I've finally gotten a tiny fraction of their files on me. I've appealed and we'll file as soon as the time runs. They were quite careless, giving me proof that they lied to their general counsel, who needed no such help in lying to us in person and in writing. I have an extensive amount from other sources that they do not admit having. I have from them proof that they have much more than they have delivered. This one should result in some new disclosures. We'll follow with a claim for money damages and that one also has considerable potential for new disclosures. I'm not as far along with the same request to the FBI, which must have enormous files on me. No, I've never been...

I've also filed a number of simpler, individual requests of FBI. There is an enormous Archives backlog I'm not well enough to address. Not because I feel ~~badly~~ I don't. I can't work as continuously as that requires. I'm trying to think through a formula by which I can get around this.

Congressional hearings, both sides, assassinations and related areas: You'll remember I predicted "like Epstein would not talk to me. He didn't then and he won't now that the King matter is hot again, less spontaneously than appears on the surface. He made dates on this with Jim, who said he was the wrong man, and didn't keep them. Maybe he'll try next week again. Aside from whatever the Members on both sides may intend there is the serious problem of no combination of staffers, no matter how bright, encompassing so much material in the time they've had. I believe the FBI, knowing what lay ahead, if not in the Ray appeal and my FOIA suit or what could have reached the Church committee through other means, fed it a false trail that seemed so much like a genuine confession everyone was taken in. Hoover did not plant the story described. There never was any such story. I've had my recollection checked thoroughly. Their purpose, I think, is to obscure an even worse truth. Jim and I will work on this our way and have started and I've started with some reporters. If I'm right it will mean not that the FBI assassinated King but was much more responsible than the story they gave the committee indicates.

I'm not surprised that all the committees have been spinning their wheels on the assassinations. I've stayed away from all except when asked in and that was infrequently. I can't compete with the lobbying self-seekers who are also extremely undependable. And I await assurances of sincerity of purpose from others. There are few real experts on these subjects but many with unearned reputations they exploit. The Members and truth and doing something suffer. The Church committee has been practising the ridiculous.

Obviously I don't know what they have. I know some of what they've been doing as those involved have let me know. I don't think much is accomplished now by presenting two contradictory views without proving which is false. Or being in a position to, the situation with the Edwards subcommittee. Lane is a crook, a lazy man except in promoting himself and while quite able is also a liar who soon can't distinguish reality from his lies and improvisations, even with personal knowledge. He and Garrison jazzed up what that FBI clerk really did tell Lane after one of Lane's lectures. Attention was all either wanted. However, what the clerk did say fit perfectly with other work I've done and not been able to print. I gave some of the evidence to another House subcommittee, which may or may not be following it up. I've not heard. If there was not such a telex at that time someone in the FBI was grossly negligent.

Schweiker asked me to go in. I did the day I went to the doctor and learned I have phlebitis. I spent the morning with him. He tried four of this theories on me. He asked me to knock them down. I did. I then told him all originate in my work, all are worth investigating and should be but not as a beginning. I encouraged him to content himself to begin with by utterly and completely destroying the Warren report. Without this, I said and believe, he'd lack the support he needs from his colleagues and the major media. I offered him all the contents of POST MORTEM, which does this overwhelmingly, why the papers have not touched the substance. When I left I thought he would. They were so out of it I had to suggest the serving of certain subpoenas to them. They hadn't even done that.

All seem to be copping out or taking Madison Avenue with the Madison Avenue types. The odds, as I see them, are against this and I don't want any more whitewashing or covering up. I'll have nothing to do with any of this. And couldn't be effective under these circumstances anyway.

I told Schweiker he didn't have to credit me or my book and that I'd even give him all the documents. I added that if he did this I'd finish putting together the case that they are all excited about and on which I don't think any will get anywhere without exceptional luck.

I'm sorry for the suffering this causes so many families but there appears to be nothing constructive I can do except continue as I have until a time when people are serious and honest enough comes. I've more than enough proofs to break both JFK and King cases, which is not to say solve them. All it requires is responsible attention.

I hope Bazelon gets serious in the C.A. 75-226 appeal. It holds real possibilities.

Hope you have a good holiday and a good year.

Sincerely,

Harold Weisberg

Tom Sysman P.S. 12/22/75

Following a report from someone in touch with Eastland people, that he would conduct some kind of assassination investigation, today I was told by an out-of-town reporter who has been working on the case that it is his information that the way this is to be done is within the scheme of an investigation of "radical" groups.

Chapman's story in yesterday's Washington Post is a classic example of the major media lending itself to Department of Disinformation operations, news management. This story poses no single correct question and unquestioningly repeats all the irrelevant answers.

Chapman was at the press conference I held on the 11th at which I displayed the new evidence I had obtained and offered copies. Afterward he came up to me and we had a short discussion. This new evidence and his stories are incompatible.

Yesterday, after reading the story, I phoned the national desk of the Post to leave word for him. I was explicit in saying that the story indicated he trusted the word of untrustworthy people, that in effect he and the Post had been imposed upon. I was told he would be phoned and he would then phone me. It hasn't happened.

I can't imagine any Post national-desk editor unsophisticated enough not to understand what that unquestioning story accomplished, what ends it served.

These and the other things I've mentioned and what I know is coming all indicate that once again the past will be prologue. .

Too bad.